

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Will Allen, Redevelopment Administrator/ 954-797-2093

PREPARED BY: Will Allen, Redevelopment Administrator

SUBJECT: Resolution

AFFECTED DISTRICT: District 1 District 2

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXEMPTION FROM THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY'S TAX INCREMENT FUNDING FOR THE CHILDREN SERVICES COUNCIL PURSUANT TO THE TERMS OF THE INTERLOCAL AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: This interlocal agreement is in response to the request for an exemption by the Children's Services Council of Broward County from paying the annual obligation to pay the tax increment payment to the Davie CRA. This request was made in dated July 29, 2004 and a letter was received on November 10, 2004 indicating no objection to a 60 day extension of the 120 day period to consider the request. The Town Council approved the first reading of an ordinance prepared by the Town Attorney's office on December 15, 2004 and the second reading is scheduled for January 5, 2005. This ordinance establishes the procedure for consideration of such a request for exemption from paying the annual increment payment. The ordinance follows the procedure and criteria for exemption as established in Section 163.387 (2)(d)1 Florida Statutes. The ordinance requires that a public hearing be held by Town Council for consideration and that the Town and special district shall promptly enter into an interlocal agreement establishing the conditions of the exemption including the period of time for which the exemption is granted and a requirement that an annual report be submitted by the special district of its activities and expenditures within the Town. Denial of such a request requires finding to be made with a written analysis of the rationale for denial.

An interlocal agreement has been prepared for the request made by the Children's Services Council of Broward County along with a resolution which approves the interlocal agreement for consideration by the Town Council. The Davie CRA approved this interlocal agreement at their meeting of December 13, 2004 and the Children's Services Council of Broward County has approved the agreement. The agreement is based on the ordinance criteria and specifically the term of this agreement is one year with renewal required each fiscal year and an annual report is required. Other terms are spelled out which define the specific programs to be established by CSC. These specific programs have been discussed with the CRA and were matters of discussion at a workshop of Town Council concerning the PAL facility on November 16, 2004. CSC is to utilize the exemption revenues to increase the provision of services for the children of Davie. The funds are not to replace any existing funding within the community. The amount of funding for the direct provision of children's services must exceed

the amount due from tax increment revenues which is \$68,897 for this fiscal year. The amounts of funding deemed to offset these revenues are the total of subsidized registration or program fees for the children participating in the programs. The annual report must show the subsidized fees exceed the amount which would have been paid to the CRA. Other eastside residents can also benefit from these services so long as the amount to CRA residents exceeds the tax increment amount. Two specific programs are listed in the agreement for implementation. Each of those is expected to exceed the tax increment amount.

The two specific programs for which vendors will be selected are listed in the agreement. The first is a summer program for 75 children to be operated at the Potter Park Multi-Purpose facility. This program is to begin in June of 2005. This was discussed at the November workshop. The timing of approving the interlocal agreement is very important as the process to put this into place with an RFP is very short. The second program is for a Maximizing Out of School Time (M.O.S.T) after school program which is to begin concurrent with the school year of 2005/2006. This program is slated to accommodate 68 children based on the capacity of the Eastside Community Hall. The program can be approved by the Town for an alternate location. For this facility to be utilized there would need to be some modification to the site to provide outdoor recreation space.

The request for the exemption is consistent with the Town ordinance setting the procedure and Florida Statutes. For instance, the proposed exemption does not impact on the repayment of any outstanding bonds, does not affect the fiscal operation of the CRA, and provides benefits to the residents of the CRA redevelopment area in excess of the revenues expected by the CRA. The CSC is a newly formed taxing authority. As such, the CRA has not relied on receiving funds from the CSC to accomplish its goals and objectives.

CONCURRENCES: The Davie CRA approved the interlocal agreement at their meeting of December 13, 2004.

FISCAL IMPACT: The CRA will not receive tax increment revenue from Children's Services Council of Broward County in the amount of \$68,897 but residents will receive access to programs in an amount exceeding the revenue.

RECOMMENDATION(S): Motion to approve the Resolution

Attachment(s): Resolution
Interlocal Agreement

RESOLUTION # _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AN EXEMPTION FROM THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY'S TAX INCREMENT FUNDING FOR THE CHILDREN SERVICES COUNCIL PURSUANT TO THE TERMS OF THE INTERLOCAL AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a written request for exemption has been made by the Children's Services Council of Broward County to the Town Council pursuant to its procedure for consideration of request by special districts for exemption from the obligation to appropriate an annual increment payment for the benefit of the Davie CRA; and

WHEREAS, the Town Council, as the local governing body that created the Town of Davie Community Redevelopment Agency, may grant the exemption either in its sole discretion or in response to the request for the special district; and

WHEREAS, the Town Council has conducted a public hearing on the request by Children's Services Council of Broward County after notice of hearing was published in a newspaper having a general circulation in the Town of Davie; and

WHEREAS, in order to approve an exemption from the obligation by Children's Services Council of Broward County to make an annual increment payment an interlocal agreement must be entered establishing conditions of the exemption, including the period of time for which the exemption is granted and a requirement that the special district submit an annual report of its activities and expenditures within the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie hereby approves an exemption to the Town of Davie Community Redevelopment Agency's Tax Increment Funding for the Children Services Council pursuant to the terms established within the Interlocal Agreement, attached hereto as Attachment "A", and authorizes execution of same by the appropriate officials of the Town.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2005

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2005.

INTERLOCAL AGREEMENT
BETWEEN THE TOWN OF DAVIE, FLORIDA,
THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY,
AND THE CHILDREN'S SERVICES COUNCIL OF BROWARD COUNTY

THIS AGREEMENT is made and entered into this _____ day of _____, 2005, by and between the Town of Davie, a municipal corporation of the State of Florida (hereinafter referred to as "TOWN"), the Town of Davie Community Redevelopment Agency, a public body corporate and politic created pursuant to Part III, Chapter 163, Florida Statutes (hereinafter jointly referred to as "CRA") and the Children's Services Council of Broward County, a special taxing district operating and existing under the laws of the State of Florida (hereinafter referred to as "CSC").

WHEREAS, by Ordinance No. 88-75 as amended, established the Community Redevelopment Area Trust Fund (hereinafter jointly referred to as the "Trust Fund") pursuant to Chapter 163, Florida Statutes; and

WHEREAS, Section 163.387, Florida Statutes, requires that each taxing authority shall appropriate to the Trust Fund increment, revenues payable by January 1st of each year; and

WHEREAS, Florida Statute subsection 163.387 (2)(d), provides that a special district that levies ad valorem taxes within the community redevelopment area may request an exemption from the required annual payments to the Trust Fund; and

WHEREAS, CSC requested an exemption from its obligation to remit tax increment revenues to the Trust Fund; and

WHEREAS, the parties hereto believe it is in their best interest to enter into an interlocal agreement concerning the CSC's use of revenues becoming available as a result of this exemption ("exemption revenues").

NOW, THEREFORE, for and in consideration of the mutual covenants benefits and agreements of the parties and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

ARTICLE 1
AUTHORITY AND CONDITIONS PRECEDENT

1.1 The above recitals and the findings of fact contained in this Agreement are true and correct and incorporated herein by reference.

1.2 This Interlocal Agreement is entered into pursuant to Section 163.387, Florida Statutes, and Section 163.01, Florida Statutes, entitled "Florida Interlocal Cooperation Act of 1969," and all applicable provisions of said Act are made a part hereof and incorporated herein as if set forth at length in this Agreement.

ARTICLE 2 INCREMENT REVENUE EXEMPTION

2.1 TOWN and CRA hereby grant to CSC an exemption from the requirement to pay increment tax revenues pursuant to Section 163.387 (2)(d), Florida Statutes. This exemption shall commence for fiscal year 2004-2005.

ARTICLE 3 CSC OBLIGATIONS

3.1 CSC shall utilize the exemption revenues to increase the direct provision of children's services to the citizens of Davie. Such funds shall not be utilized to supplant or replace any existing funding provided by the CSC. The amount of funding for the direct provision of children's services shall exceed the amount calculated to be excluded from the CRA in increment tax revenues and shall provide benefits to the residents within the CRA's redevelopment area in an amount at least equal to the amount calculated as being due from tax increment revenues (\$67,897 for 2004/2005). Other eastside residents can also benefit from additional provision of children's services so long as the amount of services to the residents of the CRA redevelopment area is at least equal to the amount calculated as the amount being exempted.

3.2 CSC agrees to provide the following specific programs to benefit the children of the area. Vendors will be selected by means of an RFP process to provide these services. Davie officials will be invited to participate on the rating committee which selects the best qualified provider. The specific programs are to be provided so that they are affordable by means of subsidizing the registration and program fees. The subsidized portion of registration and program fees for the children participating in these programs will be the means of offsetting the payment of the tax increment revenues normally due to the CRA.

3.2(A) CSC agrees to provide funding to operate a Summer Challenge Camp program to be located at the Potter Park Multi-Purpose Center to start in June of 2005. This program will service a maximum of 75 children.

3.2(B) CSC agrees to provide funding to operate a Maximizing Out of School Time (M.O.S.T.) After School Program to be located at the Eastside Community Hall to begin concurrently with the calendar year for the Broward County School District for the 2005/2006 school year. This facility will service a maximum of 68 children based on the capacity of this facility. It is recognized that outdoor recreation space must be provided at this location in order to qualify to obtain a licensed after school facility. The Town and/or CRA will provide this outdoor space as is required. The Town and CRA may approve an alternate location for this program.

3.3 Programs and services funded by the CSC utilizing the exemption revenues shall be monitored for fiscal compliance and programmatic efficacy by the CSC. CSC shall report the results of such monitoring and progress toward meeting measurable objectives to the Town and CRA on an annual basis.

ARTICLE 4
TERM OF AGREEMENT

4.1 The term of this Agreement shall be one (1) year and shall be required to be renewed each fiscal year.

ARTICLE 5

NOTICE

5.1 Whenever either party desires to give notice to the other, it must be given in writing, sent by certified United States mail, return receipt requested and addressed to the party for whom it is intended, at the addresses designated below. The place for giving notice shall remain the same unless changed by either party, for the present, the parties designate the following as the respective places for giving notice:

For Town: Town of Davie
6591 Orange Drive
Davie, Florida 33314
Attn: Town Administrator
(Telecopier No. 954-797-2061)

With copies to: Town Attorney
6191 SW 45th Street
Davie, Florida 33314
Attn: Monroe Kiar
(Telecopier No. 945-584-9723)

For CRA: Davie Community Redevelopment Agency
4700 Davie Road, Suite C
Davie, Florida 33314
Attn: Redevelopment Administrator
(Telecopier No. 954-797-1200)

With copies to: Holland & Knight
P.O. Box 14070
Ft. Lauderdale, Florida 33302
(Telecopier 954-463-2030)

For CSC: Children's Services Council of Broward County
6301 NW 5th Way

Ft. Lauderdale, Florida 33309
Attn: Cindy Arenberg Seltzer, President/CEO
(Telecopier 954-377-1683)

With copies to: General Counsel
John M. Milledge
110 SE 6th Street, 15th Floor
Ft. Lauderdale, Florida 33301

ARTICLE 6
JURISDICTION, VENUE AND GOVERNING LAW

6.1 This Agreement shall be governed by the laws of the State of Florida. Any and all legal action necessary to enforce this Agreement shall be held in Broward County, Florida. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No Single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

ARTICLE 7
MISCELLANEOUS

7.1 THIRD PARTY RIGHT - Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than Town, CRA and CSC.

7.2 WAIVER - No waiver of any provision in this Agreement shall be effective unless it is in writing, signed by the party against whom it is asserted, and any such written waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be continuing or future waiver.

7.3 ENTIRETY OF THE AGREEMENT - Town, CRA and CSC agree that this Interlocal Agreement sets forth the entire agreement between the parties and that there are no promises or understandings other than those stated herein. None of the provisions, terms or conditions contained in this Agreement may be added to, modified, superseded or otherwise altered, except through written consent and approval of the Town, CRA and CSC.

(SIGNATURE PAGE TO FOLLOW)

TOWN:

TOWN OF DAVIE, FLORIDA
A municipal corporation of the
State of Florida

By: _____

Name: _____

Title: _____

CRA:

DAVIE COMMUNITY REDEVELOPMENT
AGENCY: A public body corporate and politic
created pursuant to Part III, Chapter 163, Florida
Statutes

By: _____

Name: _____

Title: _____

CHILDREN'S SERVICES COUNCIL OF
BROWARD COUNTY: A special taxing district
operating and existing under the laws of the
State of Florida

By: _____

Name: _____

Title: _____